REMARKS/ARGUMENTS

Claims 1-4 and 6-7 are now pending after entry of the above amendments.

Claims 4 and 5 were objected to as being in improper multiple-dependent form. Claims 2 and 8/6 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite.

Claims 1, 2, 6, and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,314,736 to Daudel et al. Claims 1 and 6 were rejected as anticipated by U.S. Patent No. 2,976,013 to Hunter.

Claim 3 was rejected under 35 U.S.C. 103(a) as being unpatentable over Hunter in view of U.S. Patent No. 5,214,920 to Leavesley.

Claim 8/7 was indicated to be allowable in subject matter.

Response to Rejections

Applicant has amended independent method Claim 6 to include the additional method steps of Claims 7 and 8. Accordingly, based on the indication of allowability in the Office Action, Claim 6 is in condition for allowance.

Claim 1 has been similarly amended to include means for performing the steps in original Claims 7 and 8. Applicant therefore submits that Claim 1 is also in condition for allowance.

In light of these amendments, it is submitted that all claims are patentable and in condition for allowance.

Applicant would like to correct the record, however, with respect to the rejections based on Hunter and Hunter/Leavesley. The Office Action asserted that Hunter discloses all of the limitations of original Claims 1 and 6, but this is incorrect. Original Claim 1 included the limitation that "the nozzle (3) is adjustable by controllably adjusting the vanes (4) and by controllably *varying* an axial clearance between the outer wall (10) and the vanes". This is not

true of Hunter's device. In Hunter, the floating back plate 38 is merely urged constantly by a spring as well as fluid pressure differential so that it is always *abutting* the ends of the vanes 22 (col. 2, lines 18-21 and 64-69). Thus, the "clearance" is always zero and thus is not *varied* as required by Claim 1.

Similarly, Claim 6 requires the step of "*varying* an axial clearance between the outer wall (10) and the vanes (4) by *axially moving the outer wall (10) to and from the vanes*". Since Hunter's floating back plate 38 is always urged in only one direction, against the vanes, Hunter fails to teach or suggest *varying* the clearance by moving the back plate to *and from* the vanes.

Additionally, both Claim 1 and Claim 6 required "limiting the axial movement of the outer wall (10) to the vanes (4) by a spacer which defines a minimum axial clearance between the vanes (4) and the outer wall". Contrary to the Office Action, Hunter's spring 45 cannot be construed to be the claimed spacer between it does not limit movement of the floating back plate 38 in any way. The only thing limiting the movement of the back plate is the vanes 22 themselves, which the back plate abuts, thereby resulting in zero clearance.

For at least these reasons, the rejections of original Claims 1, 3, and 6 were erroneous. However, these rejections are moot in view of the instant amendments and the above remarks.

Conclusion

Based on the above amendments and remarks, it is submitted that the application is in condition for allowance.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefor (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 16-0605.

Respectfully submitted,

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